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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,458	07/31/2000	Phillip C. Keslin	15-4-1034.00	5371

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EXAMINER

CUNNINGHAM, GREGORY F

ART UNIT

PAPER NUMBER

2676

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5

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/629,458	KESLIN, PHILLIP C. <i>(initials)</i>
	Examiner Greg Cunningham	Art Unit 2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 03 January 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-21 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 6-21 is/are allowed.

6) Claim(s) 1-5 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This action is responsive to communications of amendment received 01/03/2003.
2. The disposition of the claims is as follows: claims 1-21 are pending in the application. Claims 1, 6, and 15 remain independent claims. Claims 6-21 were previously allowed in prior office action.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 1 recites the limitation "said graphics rendering resources" in end of claim. There is insufficient antecedent basis for this limitation in the claim, however there is sufficient antecedent basis for "remote graphics rendering resources".

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 1-5 are rejected under 35 U.S.C. 102(a) as being by Parsons et al., (U.S. Patent Number 6,085,247), hereafter Parsons.

A. Parsons discloses claim 1 in col. 2, lns. 12-24 at "(11) With the WinFrame technology, a client can connect to the Windows NT server and begin a windowing session. To the user, it appears as if the client is a standalone Window-enabled computer that is running its own Windows-brand operating system. However, the session is actually taking place on the server computer, remote from the client, and the client is merely running a local graphical user interface to provide entry to the session. In this regard, the WinFrame technology is particularly well suited for low intelligent client computers, such as terminals and network-centric computers, because the client need not be capable of running its own operating system. However, the WinFrame technology is equally well suited for fully enabled clients." (A system for providing a client with access to remote graphics rendering resources at a server, the server comprising: an application at the server, wherein said application receives commands from the client;)

and in col. 2, ln. 63 – col. 3, ln. 7 at "(18) When a user connects to the server via a first client, the stack protocol manager assigns a first protocol stack to this first client-server connection. The session manager then creates a first session for the user. In the described implementation, the session is a windowing session that supports a windowing graphical user interface environment on the remote client. The session consists of various software modules to support a windowing environment, and includes various hardware drivers, such as keyboard drivers, display drivers, and protocol drivers. The drivers employed in the first session are selected to conform to the system configuration of the first client.";

and in col. 11, lns. 5-15 at “(57) According to an aspect of this invention, the server operating system 60 modifies the Win32K module 100(1) in the original session 1 to use different drivers and devices that conform to the client computer 24(2). In this example, the Win32K module 100(1) is adapted to accommodate the smaller 11" display with the lower resolution of 640.times.480. The server operating system 60 changes the GDI display driver 102(1) from a driver for a 1024.times.768 VGA monitor to a driver for a 640.times.480 flat panel color display. Since the client 24(2) employs the same RDP protocol, the Win32K module 100(1) keeps the original protocol driver 104(1).” (a remote rendering control system that receives graphics instructions from said application, generates modified graphics instructions on the basis of said graphics instructions, and outputs said modified graphics instructions to said graphics rendering resources).

B. Parsons discloses claim 2, *supra* for claim 1, particularly at “With the WinFrame technology, a client can connect to the Windows NT server and begin a windowing session. To the user, it appears as if the client is a standalone Window-enabled computer that is running its own Windows-brand operating system.” and at “According to an aspect of this invention, the server operating system 60 modifies the Win32K module 100(1) in the original session 1 to use different drivers and devices that conform to the client computer 24(2). In this example, the Win32K module 100(1) is adapted to accommodate the smaller 11" display with the lower resolution of 640.times.480.” (The system of claim 1, wherein said remote rendering control system comprises a transparent interface to ... accommodates client parameters during said graphic rendering session).

C. Parsons discloses claim 3, *supra* for claim 1, and in col. 8, lns. 43-46 at “Additionally, a protocol driver (PD) may be layered between the WD and TD to provide additional features such as compression, reliable data flow, encryption and framing.” (The system of claim 1, wherein said remote rendering control system comprises a data compression module that compresses said image data prior to sending said image data to said client).

D. Parsons discloses claim 4, *supra* for claim 1, and in col. 7, lns. 18-33 at “(28) For example, suppose the user first logs on from a workplace computer with a large 20" VGA display with resolution of 1024.times.768. The server establishes a windowing session with the appropriate display driver to service a 20" VGA display with 1024.times.768 resolution. When the user subsequently logs on from his/her laptop computer with an 11" display of 640.times.480 resolution, the server begins to establish a new session. However, during the session initiation process, the server recognizes that the user is affiliated with a previous session. The server then modifies the previous session to employ a new display driver appropriate for an 11" display with 640.times.480 resolution. The server then automatically reassociates the user with the previous session. The work in progress is dynamically resized to the new 11" display and the user may continue from where he/she left off when working on the workplace computer.” (The system of claim 1, wherein said remote rendering control system receives ... and sends said image data to said client).

E. Parsons discloses claim 5, *supra* for claim 1, and in col. 6, lns. 25-34 at “(22) The client-based module resides in memory at the client and executes on the client's processing unit. The client-based module contains code to run a graphical windowing user interface (UI). The code is capable of running on a broad range of hardware, including terminals, network-centric

computers, Windows-enabled computers, UNIX-based computers, and DOS-based computer.

To the user, the client appears to be running a local version of a windowing operating system, even though all of the operating system functionality is occurring at the server.”

and in col. 9, lns. 9-32 at “(41) When a client requests a windowing session, the server operating system creates the CSRSS module 98 and Win32K module 100 to open the hardware devices and load the proper GDI display driver 102 and protocol driver 104 that are compatible with the remote client's system configuration. In this example, the client 24(1) is a desktop computer that has a VGA monitor with a resolution of 1024.times.768 and uses a RDP protocol. After these drivers are loaded, the protocol stack 94 is bound to the windowing session 1.

Communications with the client are passed to the windowing session 1, as illustrated by the arrow from the protocol stack 94 to the protocol driver 104.

(42) As part of the session startup, the user at the remote client 24(1) is prompted via a Windows logon (WL) module 106 to enter a user identification (ID). The operating system associates the user ID with the windowing session 1. This is represented by the box labeled "User 1" in the user mode for the windowing session 1.

(43) The server operating system then provides the windowing environment on the client computer 24(1). The client-based code runs a windowing graphical user interface that enables the user to start applications on the server, and perform other functions that are common to Windows-based systems.” (The system of claim 1, wherein said remote rendering control system receives graphics instructions from a graphics application program).

***Response to Arguments***

8. Substance of the first Office Action, of 10/02/2002 , used in the rejection is incorporated herein by reference.
9. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Responses***

11. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 872-9314 may be used for formal communications.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

*Inquiries*

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Cunningham whose telephone number is (703) 308-6109.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached on (703) 308-6829.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



gfc

March 12, 2003



MATTHEW C. BELLA  
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